

UNITED STATES DISTRICT COURT  
District of Maine

JEFFERSON N. SCHAFFNER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil No. 03-266-P-S
	)	
JO ANNE B. BARNHART,	)	
Commissioner, Social Security	)	
Administration,	)	
Defendant	)	

ORDER AFFIRMING THE  
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE

The United States Magistrate Judge filed with the Court on August 31, 2004, his Second Recommended Decision (Docket No. 19). Plaintiff filed his Objection to the Recommended Decision (Docket No. 20) on September 16, 2004; Defendant filed her Response to Objection to Recommended Decision (Docket No. 21) on September 27, 2004 and Plaintiff filed his Reply (Docket No. 22) on October 7, 2004. I have reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; I have made a de novo determination of all matters adjudicated by the Magistrate Judge's Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in his Recommended Decision, and determine that no further proceeding is necessary.

1. It is therefore ORDERED that the Recommended Decision of the Magistrate Judge is hereby AFFIRMED.
2. Commissioner's Motion to Dismiss (Docket No. 9) is DENIED insofar as it seeks dismissal predicated on failure to state a claim and GRANTED insofar as it seeks summary judgment.

/s/ George Z. Singal\_\_\_\_\_  
Chief U.S. District Judge

Dated this 18<sup>th</sup> day of October, 2004.

**JEFFERSON N SCHAFFNER**

represented by **JEFFERSON N SCHAFFNER**  
P.O. BOX 423  
PATASKALA, OH 43062  
(614) 237-2600  
PRO SE

**SOCIAL SECURITY  
ADMINISTRATION  
COMMISSIONER**

represented by **EVAN J. ROTH**  
OFFICE OF THE U.S. ATTORNEY  
DISTRICT OF MAINE  
P.O. BOX 9718  
PORTLAND, ME 04104-5018  
(207) 780-3257  
Email: evan.roth@usdoj.gov  
*ATTORNEY TO BE NOTICED*